

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

AAFIA SIDDIQUI,

Defendant.

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WHEREAS, there is a competency proceeding pending before the Court in the above-captioned proceeding;

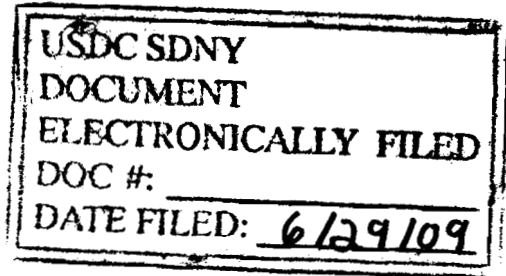
WHEREAS, a competency hearing (the "Competency Hearing") has been set for July 6, 2009 at 9:00 a.m.;

WHEREAS, defendant Aafia Siddiqui ("Dr. Siddiqui") has the right under 18 U.S.C. § 4247(d) to subpoena witnesses on her behalf at the Competency Hearing;

WHEREAS, Dr. Camille Kempke, the treating physician of Dr. Siddiqui at the Federal Medical Center, Carswell, ^{may have} ~~has~~ relevant information to impart regarding the state of Dr. Siddiqui's mental health; PMB

WHEREAS, defense counsel on behalf of Dr. Siddiqui has informed the Court that they intend to conduct a deposition of Dr. Kempke (the "Deposition") in advance of the Competency Hearing at the Metropolitan Detention Center before a videographer or stenographer;

WHEREAS, defense counsel has informed the Court that the parties have agreed to conduct the Deposition in the defendant's absence and believe that there are no Confrontation



08 Cr. 826 (RMB)

Clause issues with respect to an absent defendant at a deposition where the witness is providing testimony for the defense; **and in any case waive her appearance;** RMB

WHEREAS, the parties have informed the Court that, subject to any rulings on objections, they have agreed that the videotape and/or transcript of the Deposition should be **reviewed by a magistrate judge in advance of** admitted as an exhibit at the Competency Hearing; RMB

THE FOLLOWING IS HEREBY ORDERED:

1. The parties may conduct the Deposition of Dr. Camille Kempke prior to the competency hearing;

2. The Deposition will be conducted at a location, and before a videographer and/or stenographer, agreed upon by the parties and in accordance with Bureau of Prison regulations that may apply;

3. The Deposition will consist of the direct, cross and redirect examinations of Dr. Camille Kempke, the timing of which will be agreed upon by the parties;

4. In the event that Dr. Siddiqui refuses to attend the Deposition, the parties may **provided they waive her appearance;** RMB conduct the Deposition in Dr. Siddiqui's absence;

5. Defense counsel on behalf of Dr. Siddiqui waives any objection under the Confrontation Clause to the taking of the Deposition in Dr. Siddiqui's absence or to its subsequent admissibility at the Competency Hearing;

6. After the Deposition is taken, the parties **must** ~~may, subject to any reserved objections,~~ **with all objections resolved** submit a **final** copy of the videotape or transcript of the Deposition, along with any exhibits introduced **NEW ON** during the Deposition, to the Court on or before July 3, 2009; **and if this timetable is not met, the Deposition will NOT be admitted into evidence;** RMB

7. The videotape or transcript of the Deposition will be admitted as an exhibit at the Competency Hearing, ~~subject to any rulings on objections by the Court.~~

Dated: New York, New York

6/29, 2009



HONORABLE RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE